

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

In re Sitagliptin Phosphate ('708 & '921) Patent Litigation

MDL No. 19-2902-RGA

MERCK SHARP & DOHME LLC,

Plaintiff,

v.

ZYDUS WORLDWIDE DMCC, ZYDUS PHARMACEUTICALS (USA) INC. and ZYDUS LIFESCIENCES LTD.,

Defendants.

C.A. No. 21-315-RGA

STIPULATION AND [PROPOSED] ORDER

This stipulation is made by and between Plaintiff Merck Sharp & Dohme LLC (“Merck”) and Defendants Zydus Worldwide DMCC, Zydus Pharmaceuticals (USA) Inc., and Zydus Lifesciences Ltd. (collectively, “Zydus”).

WHEREAS, the parties desire to streamline the issues in the present case;

IT IS THEREFORE STIPULATED AND AGREED, by and between the parties, subject to the approval of the Court that:

1. Merck and Zydus will be bound by any ruling related to the validity of claims 21 or 22 of U.S. Patent No. 7,326,708 (the “‘708 patent”) in *Mylan Pharm. Inc. v. Merck Sharp & Dohme Corp.*, No. 21-2121 (Fed. Cir.), any other appeal from a Final Written Decision in IPR2020-00040, or any Final Written Decision in IPR2020-00040 from which an appeal is not taken and will not otherwise present any other evidence or argument regarding the validity of claims 21 and 22 of the ‘708 patent in the present case.

Dated: August 31, 2022

MCCARTER & ENGLISH, LLP

/s/ Alexandra M. Joyce

Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, DE 19801
(302) 984-6300
dsilver@mccarter.com
ajoyce@mccarter.com

Bruce R. Genderson
Stanley E. Fisher
Elise M. Baumgarten
Alexander S. Zolan
Shaun P. Mahaffy
Anthony H. Sheh
Sarahi Uribe
Vanessa O. Omoroghomwan
Jihad Komis
WILLIAMS & CONNOLLY LLP
680 Maine Avenue SW
Washington, DC 20024
T: (202) 434-5000

Attorneys for Plaintiff
Merck Sharp & Dohme LLC

PHILLIPS McLAUGHLIN & HALL, P.A.

/s/ John C. Phillips, Jr.

John C. Phillips, Jr. (No. 110)
David A. Bilson (No. 4986)
1200 North Broom Street
Wilmington, DE 19806
(302) 655-4200
jcp@pmhdelaw.com
dab@pmhdelaw.com

Michael J. Gaertner
David B. Abramowitz
Carolyn A. Blessing
Timothy F. Peterson
Jonathan B. Turpin
Leah M. Brackensick

LOCKE LORD LLP
111 South Wacker Drive
Chicago, IL 60606
(312) 443-0700
mgaertner@lockelord.com
dabramowitz@lockelord.com
cblessing@lockelord.com
tpeterson@locekrlord.com
jonathan.turpin@lockelord.com
leah.brackensick@lockelord.com

*Attorneys for Zydus Worldwide DMCC, Zydus
Pharmaceuticals (USA) Inc., and Zydus
Lifesciences Limited*

IT IS SO ORDERED this 31 day of August, 2022.

/s/ Richard G. Andrews

UNITED STATES DISTRICT JUDGE